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| MEETING   | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE   |
| DATE      | 16 SEPTEMBER 2010  |
| PRESENT   | COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), GALVIN, SUNDERLAND, B WATSON, MORLEY, BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP) AND WISEMAN (AS A SUBSTITUTE FOR CLLR GILLIES) |
| APOLOGIES | COUNCILLORS CRISP, STEVE GALLOWAY AND GILLIES  |

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## 17. INSPECTION OF SITES

The following sites were inspected before the meeting.

| Site  | Attended by   | Reason for Visit   |
|---|---|--|
| English Martyrs RC Primary School, Hamilton Drive | Councillors Galvin, Horton, Reid and B Watson.          | As objections had been received and the officer recommendation was for approval. |
| Temporary Houseboat Mooring, Terry Avenue         | Councillors Galvin, Horton, Reid and B Watson           | As objections had been received and the officer recommendation was for approval. |
| Stable Block, Chapter House Street                | Councillors Galvin, Horton, Reid, B Watson and Wiseman. | At the request of Councillor B Watson.   |

## 18. DECLARATIONS OF INTEREST

Members were asked to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Wiseman declared a personal non prejudicial interest in agenda items 4 d, e, f and g (Stable Block, Chapter House Street) as she had sat on the Licensing Panel which determined an application for a premises licence at Grays Court.

## 19. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub Committee held on 15 July and 19 August 2010 be approved and signed as a correct record.

## **20. PUBLIC PARTICIPATION**

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **21. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

### **21a English Martyrs RC Primary School, Hamilton Drive, York, YO24 4JW (10/01460/FULM)**

Members considered a major full application (13 weeks) by Dr J Whiston for the erection of a school building with associated parking and landscaping and the construction of a multi-use games area following the demolition of the existing school building (resubmission).

Officers advised the Committee that the description in the report should read "erection of school building with associated parking and landscaping, construction of multi-use games area, and part demolition of the existing school building (resubmission)". They also advised that any references in the report to "Hamilton Road" should read "Hamilton Drive" They advised Members of the need for an additional condition for a travel plan and stated that condition 23 should be removed as the content was covered by another condition and that condition 26 be revised.

Representations were received from the Head of Our Lady's and English Martyrs' Federation in favour of the application. He explained that the two schools had a long history between them but a few years ago the task of recruiting new heads for both schools had proved problematic and the federation was created. He stated that the new combined school building would provide the opportunity for increased community engagement and would become a great asset to the community as well as preparing children well for their future through a sound catholic education.

Members agreed that the proposed new building was exciting, which, including outdoor classrooms and garden/allotment areas, would provide the space and environment which would enthuse children to learn.

They noted the objection from a neighbour on the grounds of overlooking from the balcony but were of the opinion that the school boundary by the beck to the property in question was high and fairly densely planted so any overlooking shouldn't be any different than at present.

They expressed their main concern as traffic. They noted that the area was already busy at school drop off/collection times and acknowledged that with it being a catholic school it attracts children from further a field who would not necessarily be able to walk or cycle to school. However they agreed that with a travel plan and appropriate traffic regulations in the vicinity of the school, traffic problems would be no worse than at other schools.

RESOLVED:

That the application be approved subject to the conditions listed in the report, the removal of condition 23 as listed in the report and the amended and additional conditions listed below.

Amended Condition

All areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with a timescale to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

Additional Condition

The development hereby permitted shall be carried out in accordance with the School Travel Plan Framework Revision B received 9 July 2010. The submitted travel plan shall be implemented in accordance with the timescale within the travel plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposal, design and landscape considerations, highway issues, impact on the amenity of the occupants of the surrounding dwellings, playing field provision and community use, drainage/flood risk, sustainability. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP11, GP15a, NE1, NE7, T13a and ED1 of the City of York Council Development Control Local Plan, and national planning guidance set out in PPS1 and PPS25.

**21b Catering Support Centre, St Maurices Road, York, YO31 7JA  
(10/01391/FULM)**

Members were advised that this application, for the erection of a 3 storey building and part retention of existing building to comprise a 26 bed hotel with restaurant and associated car parking to the rear of 4 Monkgate, had been withdrawn by the applicants, S A Properties, prior to the meeting.

**21c Temporary Houseboat Mooring, Terry Avenue, York (10/01011/FUL)**

Members considered a full application from Mr Richard Musk for the temporary mooring for a residential houseboat to the south of the entrance to Rowntree Park Caravan Site.

Representations were received from the Chairman of a regional branch of the Inland Waterways Association. He stated that he fully supported the application and advised Members that any objections to this application may be due to one cruiser close by which he described as an eyesore. However he stressed that the majority of the boats and barges were well maintained and kept in a clean condition. He raised concerns over the lack of availability of permanent moorings and asked that Members consider increasing the length of temporary moorings to take account of the fact that boat owners may need to pay out for works to be carried out when moving to a new mooring and the associated cost of this.

Members noted the concerns raised by the speaker. Officers responded to Members queries regarding the length of temporary permissions. They confirmed that rent increases, and the potential result of being made homeless, could be a material planning consideration and therefore be accepted as very special circumstances for allowing inappropriate development in the greenbelt. In response to concerns raised about moorings changing hands, officers advised that as the City of York Council is the landowner of the riverbank, Property Services have control over who moors there.

**RESOLVED:** That the application be approved subject to the conditions listed in the report.

**REASON:** Planning permission is granted for a temporary period only while a permanent mooring location is sought in a more appropriate location and as special circumstances have been put forward, which, in addition to the requirement for a temporary consent only, outweigh the harm that would occur to the openness of the green belt and character and setting of this part of the Terry Avenue New Walk conservation area.

**21d Stable Block, Chapter House Street, York (10/00619/FUL)**

Members considered a full application by Mr John Edwards for the conversion of a coach house to provide seven letting bedrooms ancillary to Grays Court. Members agreed to consider the application for Listed Building Consent (Minute 21e refers) for internal and external alterations in connection with the conversion alongside this application.

The Council's Head of Design, Conservation and Sustainable Development was present at the meeting to provide additional information as needed.

Officers advised that they had received a consultation response from English Heritage who were content to defer to the specialist conservation advice provided by City of York Council. They stated that concerns with regard to the proposed service provision and the impact on the archaeological deposits had been addressed and would be confirmed through the Scheduled Monument consent process.

Representations were received from O'Neill Associates on behalf of an objector. She stated that this proposal could not be assessed in isolation from other activities taking place at Grays Court. She noted that Planning consent granted in 2006 allowed change of use to a dwelling with lettable rooms and a holiday flat however was of the opinion that this permission did not permit use of the premises as a café which was now in operation and which was used for events such as dinners, exhibitions and wedding receptions, which extend out into the garden in summer which she stated impacts adversely on adjacent residents. She stressed that an additional 7 letting bedrooms would add considerably to the disturbance and inconvenience already faced by residents as a result of current activities on site. She advised Members that she supported the principle of re-use of historic buildings to maintain their fabric but noted that this area, within York's Central Conservation Area, had been used for residential purposes since the 15<sup>th</sup> century. She voiced the opinion that this "unauthorised activity" needed to be investigated and controls put in place before this proposal could be determined.

Representations were also received from the applicant in favour of the application. He asked that minor details raised at this stage be dealt with by conditions. In respect of concerns raised about parking, he advised that there would be not be issue of displaced parking, as staff did not currently park on the site. He advised that parking facilities already existing would be available for use by residents of the Coach House. He stressed that both Grays Court and the Coach House must be economically viable in order for them, as owners, to be able to afford the costs of repair and maintenance of the historic buildings. He voiced the opinion that it was in the public's interest to have Grays Court in full use and the development of the Coach House would contribute to this but without development taking place, both buildings could in future appear on English Heritage's Buildings at Risk Register. In response to queries from Members, he confirmed that his preference was to be able to develop the Coach House as 7 letting bedrooms, in preference to a single dwellinghouse. He confirmed that if the application for the 7 letting bedrooms was approved, guests would not be

able to park on site but would be advised to park off site in one of the city's public car parks.

RESOLVED:

That the application be refused.

REASON

- 1 The application proposals fail to demonstrate that parking for the proposed use and the displacement of existing parking and storage facilities from the building would not harm the character and appearance of the conservation area, the setting of nearby listed buildings and views from the adjacent city walls. Car parking in such close proximity to the City Walls would be obtrusive and prominent, and would harmfully impact in the open character of this part on the conservation area. As such the proposals would not meet the objectives of Policies HE2, HE3, HE4 and HE11 of the City of York Local Plan ( 2005 ) and policies HE 6.2, HE 7.2, HE 9.4 and 10.2 of Planning Policy Statement 5 " Planning for the Historic Environment, " by undervaluing the significance of the heritage asset as a whole, and by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.
- 2 The proposed use of the building as 7 letting bedrooms in association with the private dwellinghouse at Gray's Court would intensify the commercial use of Gray's Court as a whole, and would materially change the approved planning use which is that of a private dwellinghouse including bed and breakfast letting, as part of the planning permission dated 7th March 2006 (LPA ref: 05/02557/FUL). As such the proposal can only properly be considered as part of a planning application for the use of Gray's Court and the Stable Block as a whole.
- 3 The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and the loss of characteristic features such as the stable doors and taking-in hatches would reduce the utilitarian character of the building and harm the appearance of the building adversely affecting the character and appearance of the conservation area and the setting of nearby listed buildings. As such the proposals would not meet the objectives of policies HE2, HE3 and HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

**21e Stable Block, Chapter House Street, York (10/00620/LBC)**

Members considered an application for Listed Building Consent by Mr John Edwards for internal and external alterations in connection with conversion

to provide letting accommodation ancillary to Grays Court. The Committee had agreed to discuss issues surrounding this application for listed building consent alongside the full application (Minute 21d refers).

RESOLVED:

That the application be refused.

REASON:

The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and consequential loss of the more generously proportioned openings, and the loss of characteristic features such as the stable doors and taking-in hatches would adversely affect the utilitarian character of the building and harm the appearance of the building. As such the proposals would not meet the objectives of policies HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

**21f Stable Block, Chapter House Street, York (10/00621/FUL)**

Members considered a full application from Mr John Edwards for a conversion to provide a single dwellinghouse with external alterations including a porch, new rooflights and solar panel and alterations to windows and doors. Members had agreed to consider the application for listed building consent (Minute 21g refers) alongside this application.

The Council's Head of Design, Conservation and Sustainable Development was present at the meeting to provide additional information if needed.

Representations were received from the applicant. He explained that the Coach House had been neglected and was currently in a poor condition and that it was important to bring it back into use. He reminded Members that planning guidance states that new uses should be found for neglected listed buildings. He raised concerns that following discussions with officers at the pre-application stage, initial comments were that the proposals were acceptable but stated that officers were now recommending refusal for reasons of parking, displacement of existing parking and storage facilities and design. He stated that if these concerns had been raised earlier they could have been dealt with through conditions. He stated that the Coach House has infrastructure to enable it to be developed independently to Grays Court and that the proposed solar panels would not be visible from the Bar Walls. He explained that the parking area would be screened from properties with high boundary walls and dense planting, that staff parking would cease on site and that the courtyard would be available for their own personal parking. He also confirmed that there was adequate storage space in Grays Court if storage space no longer available in Coach House.

Members acknowledged that, at present, the building was in a state of disrepair and agreed that it would be beneficial to both the owner and the city if the building was brought back into use. Several Members agreed that they would be happy for the Coach House to be used as a single dwellinghouse. However, they voiced concerns that some of the proposals were not in keeping with the sensitive nature of location stating that, in their opinion, it was an inappropriate design due to its proximity to a well walked part of the bar walls and other listed buildings nearby.

Councillor Horton moved and Councillor Galvin seconded a motion to give officers delegated authority to approve the application once they had come to an agreement with the applicant regarding issues around the design. On being put to the vote, the motion was lost. Members remarked that due to the importance of the site, they would rather that any decision was made by the Committee.

RESOLVED:

That the application be deferred to a future meeting.

REASON:

In order that further discussion could take place between the applicant and planning officers with a view to receiving revised drawings.

**21g Stable Block, Chapter House Street, York (10/00622/LBC)**

Members considered an application for Listed Building Consent for the conversion of a coach house to provide a single dwellinghouse. The Committee had agreed to consider issues surrounding this application for listed building consent alongside the full application (Minute 21f refers)

RESOLVED:

That the application be deferred to a future meeting.

REASON:

In order that further discussion could take place between the applicant and planning officers with a view to receiving revised drawings.

**22. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period from 1 April 2010 to 30 June 2010. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 31 July 2010.

RESOLVED: That the report be noted.

REASON: To update Members on appeal decisions within the City of York Council area and informed of the planning issues surrounding each case for future reference in determining planning applications.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.25 pm].